IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1527 OF 2004

Rajeshkumar Parasnath & Ors. ..Petitioners.

Vs.

The Secretary, Shiv Dutta Education Trust & Ors. .. Respondents.

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Mr. Mihir Desai for the petitioners.
Mr. Raju Morye i/b V.S. Tripathi for respondent Nos.1 and 2.
Mr U.A. Kohir for the Intervenors.

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CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J.

24th September, 2004.

P.C. :

1. The Petitioners have in these proceedings sought the issuance of a writ of Mandamus directing the First and Second Respondents to comply with an order of the Grievance Committee dated 11th October, 2002 and directing the Third and Fourth Respondents to take action against the First Respondent for non compliance of the aforesaid order. The Petitioners were employed by the First and Second Respondents as Shikshan Sevaks in June 2000 and it has been stated that their appointments were duly approved. The services of the Petitioners were terminated by a letter dated 22nd March, 2001 on and from 30th April, 2001. The

Petitioners moved the Grievance Committee which directed the First and Second Respondents to reinstate the Petitioners with back wages. The First and Second Respondents challenged the aforesaid order in three writ petitions.

2. The contention of the Petitioners is that the order of the Grievance Committee ought to be implemented since in the writ petition filed by the management, rule has been granted with no specific direction in regard to interim relief. However, in the affidavit in reply filed by the management in these proceedings, the attention of the Court has been drawn to the fact that Writ Petition No.3152 of 2002 was filed by the very same Petitioners praying for the same reliefs before the Division Bench on the Original Side. The Writ Petition was filed on 25th November, 2002. In the meantime, the management had also filed three writ petitions on the Appellate Side challenging the legality of the order passed by the Grievance Committee. It has been stated that the Petitioners withdrew the earlier writ petition. At the hearing of the present petition, learned counsel appearing on behalf of the Petitioners has not disputed the position that the earlier writ petition that was filed before this Court seeking the same reliefs that has been sought in

these proceedings was withdrawn.

3. In that view of the matter, we are of the view that it would neither be appropriate nor proper to entertain this petition, since the earlier petition filed by the Petitioners seeking similar reliefs has been withdrawn unconditionally. While disposing of this petition, however, we make it clear that we leave it open to the Petitioners to adopt appropriate proceedings in regard to the order passed in the earlier writ petition filed by the Petitioners should they be advised to do so. This petition is accordingly disposed of. There shall be no order as to costs.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.